

Appl No. 10/571,514

Amdt. dated: December 29, 2010

Reply to Final O/A dated: September 2, 2010

Amendments to the Drawings:

Please replace the original drawing sheet 1 with the replacement drawing sheet 1. Specifically, the lines, numbers & letters are now shown to be uniformly thick and well defined with clean, durable and black lines. The rough lines have been replaced. Accordingly, the attached drawing sheet replace the original drawing sheet.

Attachment: Replacement Sheet

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claims 9 and 10 are amended. Claim 12 has been added. As such, claims 1-4 and 6-12 are currently pending.

The drawings were objected to under 37 CFR 1.84 for containing rough lines. Accordingly, as shown in the attached replacement sheet, Figs. 1 and 2 have been amended to address this issue, and the lines are now shown more clearly. The lines are now shown to be uniformly thick and well defined. Therefore, it is believed that the applicant has addressed the concerns raised in the Office action. Accordingly, applicant respectfully requests withdrawal of the corresponding objections to the drawings.

Claim 10 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner stated that the limitation "the first and second springs" in line 2 lack antecedent basis. Applicant has amended claim 10 to refer to only "the first return spring". Applicant has added claim 12, which refers to only "the second return spring". Accordingly, Applicant has amended the claims to address the issue raised by the Examiner, and there is now sufficient antecedent basis for all of the structure in claim 10. As such, Applicant believes that claim 10 is now in condition for allowance. Applicant respectfully requests withdrawal of the corresponding rejection of claim 10.

Claims 1-4, 6, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roelle (U.S. 4,833,935). Claim 1 was further rejected under 35 U.S.C. §103(a) as being unpatentable over Roelle in view of Nagashima (U.S. 6,182,524) or Muller et al. (U.S. 7,000,593). Claim 1 states "A throttle control device for a hand held tool comprising, a forwardly extending wire (17) for transmitting a motion from a throttle control lever (12) turnably arranged about a first axis (14) to a throttle valve". None of the references teach such structure.

Nagashima and Muller are merely cited for teaching multiple teeth in a lever and wire arm. As such, the Examiner relies on Roelle to teach the structure of independent claim 1.

Roelle teaches a control 10 directed to a start switch, and not a throttle control device as stated in claim 1. Roelle teaches a bail 22 that turns a bail disk 26. The bail disk 26 correspondingly turns a switch 36 through an engagement between a finger 88 and an arm 90. A cable 102 attached to the switch 36 will also turn with the rotation. The control 10 is designated for two positions – an “on” position and an “off” position. As stated in Roelle, “the bail is utilized to move the components of the starter control into the “on” position”. See Col. 4, lines 62-63. Further, Roelle includes the “off” position, by stating “While bail disc 26 is in its off or bail up position” and “Control 10 is in the “off” position, as shown in FIG. 2.” See Col. 4, lines 2-3 and lines 31-32. As such, the components of Roelle are useable in a brake, clutch, or a combined brake and clutch control, with only two positions provided, and not a throttle control device, as stated in claim 1. In addition, the cable 102 of Roelle does not transmit motion to a throttle valve, as stated in claim 1. Instead, the bail 22 acts as an on/off switch with only two positions, and cannot control a continuous motion of the throttle valve. Thus, Roelle fails to teach the above-cited structure of claim 1. Consequently, Roelle, Nagashima, and Muller fail to teach the structure of claim 1.

Claim 1 further states “characterized in that the second axis (16) is arranged behind the first axis (15) wherein the wire is coaxially rotatable with the wire arm about the second axis”. None of the references teach such structure.

As stated above, Nagashima and Muller are merely cited for teaching multiple teeth in a lever and wire arm and are not cited for teaching any other structure in independent claim 1. As such, the Examiner relies on Roelle to teach the structure of independent claim 1.

In distinction, the alleged first axis in Roelle, pin ends 28, 30, is arranged behind the alleged second axis, central opening 38. The arrangement of the first axis and second axis as stated in claim 1 allows the throttle lever to have a long

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lever with the throttle control device still being compact in the lengthwise direction. The compact design is beneficial in that it reduces the overall space, while the long lever allows the throttle lever to be controlled with a finger or fingers of the operator, thus reducing the overall amount of force needed. Thus, Roelle fails to teach the above-cited structure of claim 1. Consequently, Roelle, Nagashima, and Muller fail to teach the structure of claim 1. As such, withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-4 and 6-12 depend from independent claim 1 that is believed to be in condition for allowance as set forth above. Accordingly, Applicants respectfully request withdrawal of the corresponding rejection of claims 2-4 and 6-12 as depending directly or indirectly from allowable claim 1.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested. If, for some reason, the Examiner perceives some issue that prevents an immediate allowance of the subject application, the Examiner is explicitly invited to contact the undersigned attorney to discuss such impediment.

If there are any fees resulting from this communication please charge same to our Deposit Account No. 16-0820, our Order No. ABE1-39943.

Respectfully submitted,
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Date: December 29, 2010